

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

DAVID SCHAFFNER, JR. and THERESA
SUE SCHAFFNER,

Plaintiffs,

v.

MONSANTO CORPORATION

Defendant.

ELECTRONICALLY FILED

Civil Action No. 2:19-cv-1270-CRE

JOINT STIPULATION FOR ENTRY OF JUDGMENT

Plaintiffs David Schaffner, Jr. and Theresa Sue Schaffner (“Plaintiffs”) and Defendant Monsanto Company¹ (“Monsanto”) hereby jointly stipulate to and request the Court enter judgment against Monsanto on Count II in the amount of one dollar (\$1.00).

The parties have entered into a settlement agreement (the “Agreement”) resolving this action. Pursuant to the Agreement, the parties have liquidated the value of Plaintiffs’ claims.

Pursuant to the Agreement, Monsanto reserves the right to appeal the Entry of Judgment on Count II based on the portions of the MDL Court’s February 25, 2022 order denying Monsanto’s Motion for Summary Judgment on Non-Causation grounds, addressing federal preemption (MDL Schaffner Dkt. No. 35, MDL General Dkt. No. 14621, Pretrial Order 273). The parties enter into this stipulation with the express understanding that Monsanto intends to appeal the prior contested order of the MDL Court, as to the correctness of which the Parties remain adverse and in disagreement. Pursuant to the Agreement, Monsanto will pay Plaintiff an agreed amount that depends upon the outcome of the appeal, encompasses all

¹ Captioned Monsanto Corporation

contingencies on appeal, and thereby allows entry of a final judgment by stipulation. *See generally Keefe v. Prudential Prop. & Cas. Ins. Co.*, 203 F.3d 218 (3d Cir. 2000).

Each party will bear their own costs and fees.

The parties agree that the United States District Court for the Western District of Pennsylvania shall retain jurisdiction for purposes of enforcing the parties' agreement.

Accordingly, the parties respectfully request this Court enter the attached proposed final judgment.

Dated: September 30, 2022

Respectfully Submitted,

s/Adrian N. Roe
Pa. Bar No. 61391
Roe & Simon LLC
428 Boulevard of the Allies
First Floor
Pittsburgh, PA
412-434-8187
aroe@roeandsimonllc.com

s/Wendy West Feinstein
Pa. Bar No. 86608
Morgan, Lewis & Bockius LLP
One Oxford Centre
32nd Floor
Pittsburgh, PA 15219-6401
(412) 560-7455
wendy.feinstein@morganlewis.com

s/Michael X. Imbroscio
Pa. Bar No. 72129
Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, D.C. 20001
(202) 662-5694
mimbroscio@cov.com